Concerning the proposed settlement with Microsoft, I would like to raise
some concerns with you.

If this case is to be "settled", it should be settled in favor of the
Public interest. Not in the interest of any single business or lobbying
entity. Accepting that premise, the settlement, as proposed, should be rejected
because it serves to further entrench Microsoft's monopoly in
several business areas.

As proposed, the settlement would allow Microsoft discretion to prevent
Free/Open source software from accessing the software APIs - in order to
guard Microsoft's intellectual property. This argument assumes that the
Free/Open source movement is a business entity seeking to capitalize on
Microsoft's development efforts, the truth is that the Free/Open source movement
is not a business at all. It is simply software developers seeking
to produce high quality software for the good of the public at large.

Making the APIs publicly available to any interested organization - not just
competitors - would force Microsoft to compete on a level playing-field with
other software producers, and far from undermining their intellectual-property,
it would assure interoperability between Microsoft's formidable installed-base
of software and the software produced by their competitors. This interoper-
ability can certainly be considered to be in the public interest.

Microsoft has repeatedly tried to cast this movement as being "un-American"
because it isn't concerned with a profit motive. Similarly, the American
tradition of Barn raising must be viewed as "un-American." Indeed any effort by
"the few" which benefits "the many" must then be considered "un-American."
To that, I submit that it is Microsoft that fails to understand appreciate
what America is all about - and underscores the need to force the awareness upon
them that the world doesn't exist to be their unwilling profit base.
Especially if preferred alternatives are forced from viability.

Microsoft has proposed supplying schools with "PC standard" hardware and
their own software. Taking this course would artificially promote Microsoft
in one of the few market areas where it does not already enjoy monopoly status,
and over time - as the supplied OSes require updates, Microsoft would be in a
prime position to leverage that foothold to assure that others could not compete
in that area.

Thank you for your attention.

--
JAY VOLLMER
TWOSHEDS@CRAY.COM, JVOLLMER1@MN.RR.COM
952-738-8201